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## SCHEDULES

### SCHEDULE 2

Section 12(3).

#### FIXED PENALTIES

##### Commencement Information

- I1** Sch. 2 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41](#), [art. 2](#)

##### *Contents of fixed penalty notices*

- 1** A fixed penalty notice must—
- (a) state the alleged offence; and
  - (b) give such particulars of the circumstances alleged to constitute it as are necessary for giving reasonable information about it.

##### Commencement Information

- I2** Sch. 2 para. 1 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41](#), [art. 2](#)
- I3** [Sch. 2 para. 1](#) in operation at 1.5.2012 in so far as not already in operation by [S.R. 2012/90](#), [art. 2](#)

- 2.—(1)** A fixed penalty notice must also state—
- (a) the amount of the penalty and the period for its payment;
  - (b) the consequences of not paying the penalty before the end of the period mentioned in head (a);
  - (c) the person to whom and the address at which payment may be made;
  - (d) by what method payment may be made;
  - (e) the person to whom and the address at which any representations relating to the notice may be made.

(2) The person mentioned in sub-paragraph (1)(c) and (e) must be the district council on whose behalf the authorised officer was acting when the officer gave the notice.

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#### Commencement Information

- I4** Sch. 2 para. 2 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)  
**I5** [Sch. 2 para. 2](#) in operation at 1.5.2012 in so far as not already in operation by [S.R. 2012/90, art. 2](#)

- 3** A fixed penalty notice must also—
- inform the person to whom it is given of the person's right to be tried for the alleged offence; and
  - explain how that right may be exercised.

#### Commencement Information

- I6** Sch. 2 para. 3 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)  
**I7** [Sch. 2 para. 3](#) in operation at 1.5.2012 in so far as not already in operation by [S.R. 2012/90, art. 2](#)

#### *Amount of fixed penalty and period for payment*

- 4** The fixed penalty is such amount as may be prescribed.

#### Commencement Information

- I8** Sch. 2 para. 4 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)  
**I9** [Sch. 2 para. 4](#) in operation at 1.5.2012 in so far as not already in operation by [S.R. 2012/90, art. 2](#)

- 5** The period for payment of the fixed penalty is the period of 28 days beginning with the day on which the notice is given.

#### Commencement Information

- I10** Sch. 2 para. 5 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)  
**I11** [Sch. 2 para. 5](#) in operation at 1.5.2012 in so far as not already in operation by [S.R. 2012/90, art. 2](#)

#### *Effect of notice and payment*

- 6.—(1)** Proceedings for the offence in respect of which a fixed penalty notice was given may not be brought before the end of the period for payment of the fixed penalty.

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(2) Sub-paragraph (1) does not apply if the person to whom the notice was given has asked in accordance with paragraphs 11 and 12 to be tried for the alleged offence.

**Commencement Information**

- I12** Sch. 2 para. 6 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)  
**I13** [Sch. 2 para. 6](#) in operation at 1.5.2012 in so far as not already in operation by [S.R. 2012/90, art. 2](#)

7 If the fixed penalty is paid in accordance with the fixed penalty notice before the end of the period for payment of the fixed penalty, no proceedings for the offence may be brought and paragraph 11 does not apply.

**Commencement Information**

- I14** Sch. 2 para. 7 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)  
**I15** [Sch. 2 para. 7](#) in operation at 1.5.2012 in so far as not already in operation by [S.R. 2012/90, art. 2](#)

8 If proceedings have been brought pursuant to a request under paragraph 11, but then the penalty is paid as mentioned in paragraph 7 those proceedings may not be continued.

**Commencement Information**

- I16** Sch. 2 para. 8 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)  
**I17** [Sch. 2 para. 8](#) in operation at 1.5.2012 in so far as not already in operation by [S.R. 2012/90, art. 2](#)

- 9 In any proceedings, a certificate is evidence of the facts which it states if it—
- (a) purports to be signed by or on behalf of the person responsible for the financial affairs of the district council on whose behalf the authorised officer who gave a fixed penalty notice was acting; and
  - (b) states that payment of the fixed penalty in pursuance of the notice was or was not received by the expiry of the period within which that fixed penalty may be paid.

**Commencement Information**

- I18** Sch. 2 para. 9 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)  
**I19** [Sch. 2 para. 9](#) in operation at 1.5.2012 in so far as not already in operation by [S.R. 2012/90, art. 2](#)

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**10** Any sum received by a district council under this Schedule accrues to that council.

**Commencement Information**

- I20** Sch. 2 para. 10 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)  
**I21** [Sch. 2 para. 10](#) in operation at 1.5.2012 in so far as not already in operation by [S.R. 2012/90, art. 2](#)

*Trial*

**11** If the person to whom a fixed penalty notice has been given asks to be tried for the alleged offence, proceedings may be brought against that person.

**Commencement Information**

- I22** Sch. 2 para. 11 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)  
**I23** [Sch. 2 para. 11](#) in operation at 1.5.2012 in so far as not already in operation by [S.R. 2012/90, art. 2](#)

**12** Any request to be tried must be made—

- (a) by notice given to the district council in question before the end of the period for payment of the penalty;
- (b) in the manner specified in the fixed penalty notice.

**Commencement Information**

- I24** Sch. 2 para. 12 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)  
**I25** [Sch. 2 para. 12](#) in operation at 1.5.2012 in so far as not already in operation by [S.R. 2012/90, art. 2](#)

*Withdrawal of fixed penalty notices*

**13.—(1)** The district council must consider any representations made by or on behalf of the recipient of a fixed penalty notice and decide in all the circumstances whether to withdraw the notice.

**(2)** Where a fixed penalty notice is withdrawn in accordance with subparagraph (1)—

- (a) the district council must give notice of the withdrawal to the person to whom the fixed penalty notice was given;
- (b) the district council must repay any amount which has been paid under the fixed penalty notice; and

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- (c) no proceedings are to be brought or continued against that person for the offence in question.

**Commencement Information**

- I26** Sch. 2 para. 13 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41](#), [art. 2](#)  
**I27** [Sch. 2 para. 13](#) in operation at 1.5.2012 in so far as not already in operation by [S.R. 2012/90](#), [art. 2](#)

*Regulations*

**14** The Department may by regulations—

- (a) provide that fixed penalty notices may not be given in such circumstances as may be prescribed;
- (b) provide for the form of a fixed penalty notice;
- (c) provide for the method by which fixed penalties may be paid;
- (d) modify paragraph 5 so as to substitute a different period for the period for the time being specified there;
- (e) provide for the keeping of accounts, and the preparation and publication of statements of account relating to fixed penalties under this Schedule.

**Commencement Information**

- I28** Sch. 2 para. 14 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41](#), [art. 2](#)  
**I29** [Sch. 2 para. 14](#) in operation at 1.5.2012 in so far as not already in operation by [S.R. 2012/90](#), [art. 2](#)

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